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10 | Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EAGLE SPE NV I, INC., a North Carolina corporation,

Case No. 3:12-cv-00245-RCJ -WGC

Plaintiff/Counterdefendant,

V.

18 KILEY RANCH COMMUNITIES, a Nevada
19 corporation, MATTHEW N. KILEY,
20 MATTHEW N. KILEY and L. DAVID
21 KILEY, Trustees of the MATTHEW N.
22 KILEY TRUST dated April 1, 1993, as
23 amended, MEGAN L. KILEY, MEGAN L.
24 KILEY and L. DAVID KILEY, Trustees of the
MEGAN L. KILEY TRUST dated April 1,
1997, MICHAEL KILEY, KELLEE KILEY,
and MICHAEL P. KILEY AND KELLEE
KILEY, Trustees under the MICHAEL P.
KILEY and KELLEE KILEY LIVING TRUST
INSTRUMENT Dated June 10, 2005, DOES 1
through 10, inclusive.

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

**[SUBMITTED IN COMPLIANCE
WITH LR 26-1(e)]**

Defendants/Counterclaimants.

27 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule (“LR”)
28 26-1, counsel for Plaintiff Eagle SPE NV I, Inc. (“Plaintiff” or “Eagle”), and Defendants Kiley

1 Ranch Communities, Matthew N. Kiley, Matthew N. Kiley and L. David Kiley, Trustees of the
2 Matthew N. Kiley Trust dated April 1, 1993, as amended, Megan L. Kiley, Megan L. Kiley
3 and L. David Kiley, Trustees of the Megan L. Kiley Trust dated April 1, 1997, Michael Kiley,
4 Kellee Kiley, and Michael P. Kiley and Kellee Kiley, Trustees under the Michael P. Kiley and
5 Kellee Kiley Living Trust Instrument Dated June 10, 2005 (“Defendants”), hereby submit this
6 Stipulated Discovery Plan and Scheduling Order.

7 **A. Information Required by Fed. R. Civ. P. 26(f):**

8 1. Counsel for Plaintiff and Defendants conducted a telephonic meeting pursuant
9 to FRCP 26(f) on October 1, 2012. Initial disclosures pursuant to FRCP 26(a)(2) for Plaintiff
10 and Defendants are in the process of being prepared by the parties and will be exchanged by
11 October 15, 2012, or fourteen (14) days after the parties’ FRCP 26(f) meeting.

12 **B. Discovery Plan:**

13 1. Subject of Discovery. Discovery may be conducted on all discoverable matters
14 relevant to issues raised by the First Amended Complaint, Amended Answer and
15 Counterclaim, and any subsequent pleadings and papers, consistent with the Federal Rules of
16 Civil Procedure and the Local Rules of this District.

17 2. Electronic Discovery. Electronic discovery may be produced in native format
18 without hard copies. If hard copies are requested, they can be produced at the requesting
19 party’s expense.

20 a. Privilege. The parties agree to be bound by Federal Rules of Evidence
21 502 regarding the disclosure of privileged material or work product.

22 b. The parties acknowledge and agree that while each is taking reasonable
23 steps to identify and prevent disclosure of any document which they believe is privileged, there
24 is a possibility that certain privileged material may be produced inadvertently. Accordingly,
25 the parties agree that a party who produces a document protected from disclosure by the
26 attorney-client privilege, attorney-work product doctrine or any other recognized privilege
27 (“privileged document”) without intending to waive the claim for privilege associated with
28 such document may promptly, meaning within fifteen (15) days after the producing party

1 actually discovers that such inadvertent disclosure occurred, amend its discovery response and
2 notify the other party that such document was inadvertently produced and should have been
3 withheld. Once the producing party provides such notice to the requesting party, the
4 requesting party must promptly, meaning within seventy-two (72) hours, return the specified
5 document(s) and any copies thereof. By complying with this obligation, the requesting party
6 does not waive any right to challenge the assertion of privilege and request an order of the
7 Court denying such privilege.

8 3. Limits on Discovery. At this time, the parties agree that discovery will be
9 conducted in accordance with the Federal Rules of Civil Procedure and applicable Local Rules
10 of this District Court without limitation or modification of the same.

11 4. No changes in limitations, set by either the Federal Rules of Civil Procedure or
12 Local Rules for the District of Nevada are requested at this time.

13 5. No orders are requested to be entered pursuant to FRCP 26(b), 26(c), or 16(b) at
14 this time, other than those addressed in this stipulation or the Local Rules of this District.

15 **C. Information Required by LR 26-1(e):**

16 1. Discovery Cut-Off Date.

17 The parties are requesting one hundred eighty (180) days from the date of
18 Defendants' Answer to the First Amended Complaint, which was filed on August 8, 2012, to
19 conduct discovery. The last day for discovery shall be February 4, 2013.

20 2. Amending the Pleadings and Adding Parties.

21 The date for filing motions to amend the pleadings or to add parties shall be not
22 later than ninety (90) days prior to the close of discovery or November 6, 2012. Any party
23 causing additional parties to be joined or brought to this action shall contemporaneously
24 therewith cause a copy of this Order to be served upon the new party or parties.

25 3. Experts:

26 The disclosures of any expert witnesses shall be made not later than sixty (60)
27 days before the discovery deadline or December 6, 2012. The disclosures of any rebuttal
28 experts shall be due not later than thirty (30) days after the initial disclosures of experts or

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1 January 7, 2013.

2 4. Dispositive Motions:

3 Dispositive motions shall be filed not later than thirty (30) days after the
4 discovery cut-off date or March 6, 2013.

5 5. Pretrial Order:

6 The Joint Pretrial Order (including Rule 26(a)(3) disclosures) shall be filed not
7 later than thirty (30) days after the date set for filing dispositive motions or April 5, 2013.
8 However, in the event that dispositive motions are filed, the date for filing the Joint Pretrial
9 Order shall be suspended until thirty (30) days after a decision on the dispositive motions or
10 further order the Court.

11 D. Additional Deadlines:

12 1. Pursuant to LR 26-4, the last day to file and serve an application to extend any
13 date set by this discovery plan shall be filed and served no later than twenty-one (21) before
14 expiration of the deadline or January 14, 2013.

15 2. The last day to file an Interim Status Report shall be sixty (60) days before the
16 discovery cut-off or December 6, 2012.

17 DATED: October 25, 2012.

18 DATED: October 25, 2012

19 _____
20 /s/
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28 *Attorneys for Plaintiff*

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28 *Attorneys for Defendants*

24 IT IS SO ORDERED:

26 UNITED STATES MAGISTRATE JUDGE

27 DATED: _____